

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CLOUDING IP, LLC,

Plaintiff,

V.

C.A. No. 13-1458-LPS

VERIZON ONLINE LLC, TERREMARK
NORTH AMERICA LLC and VERIZON
BUSINESS NETWORK SERVICES INC.,

Defendants.

**MOTION OF DEFENDANTS VERIZON ONLINE LLC,
TERREMARK NORTH AMERICA LLC, AND VERIZON BUSINESS
NETWORK SERVICES INC. TO DISMISS FOR LACK OF STANDING**

Defendants Verizon Online LLC, Terremark North America LLC, and Verizon Business Network Services Inc. (collectively, the “Verizon Defendants”), pursuant to Federal Rule of Civil Procedure 12(b)(1), hereby move to dismiss Clouding IP’s complaint for lack of standing.

The grounds for this motion have already been set forth in the opening and reply briefs in support of Amazon's motion to dismiss for lack of standing in *Clouding IP, LLC v.*

Amazon.com, Inc. et al., C.A. No. 12-641-LPS (“*Amazon*”), the opening and reply briefs in support of the motions by Google and Motorola Mobility to dismiss for lack of standing on the basis that the purported assignment of patent rights to Clouding IP, LLC, is void as champertous in *Clouding IP, LLC v. Google Inc.*, C.A. No. 12-639-LPS (“*Google*”) and *Clouding IP, LLC v. Motorola Mobility LLC*, C.A. No. 12-1078-LPS (“*Motorola*”), the opening brief in support of Rackspace’s motion to dismiss for lack of standing in *Clouding IP, LLC v. Rackspace Hosting, Inc., et. al.*, C.A. No. 12-0675-LPS (“*Rackspace*”), and the opening brief in support of EMC and VMware’s motion to dismiss for lack of standing in *Clouding IP, LLC v. EMC Corporation et*

al., C.A. No. 13-01455-LPS (“*EMC*”). The *Rackspace* and *EMC* briefs are expected to be filed concurrently herewith.

The facts surrounding Clouding IP’s purported patent rights and resulting lack of standing are the same in this case as in *Amazon*, *Google*, *Motorola*, *Rackspace*, and *EMC*. To avoid burdening the Court with duplicative briefs, the Verizon Defendants join, rely upon, and incorporate herein the arguments and authority described in: the opening and reply briefs in support of Amazon’s motion to dismiss for lack of standing (*Amazon*, D.I. 113 and 138); the opening and reply briefs in support of Google and Motorola’s motions to dismiss for lack of standing on the basis that the purported assignment of patent rights to Clouding IP, LLC, is void as champertous (*Google*, D.I. 102 and 128; *Motorola*, D.I. 93 and 116); Rackspace’s anticipated opening brief in support of its motion to dismiss for lack of standing; and EMC and VMware’s anticipated opening brief in support of its motion to dismiss for lack of standing.

Respectfully submitted,

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Dated: December 20, 2013

CERTIFICATE OF SERVICE

I, Benjamin J. Schladweiler, hereby certify that on December 20, 2013, I caused the foregoing *Motion of Defendants Verizon Online LLC, Terremark North America LLC, and Verizon Business Network Services Inc. to Dismiss for Lack of Standing* to be served via electronic mail upon the following individuals:

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